

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **DOCKET NO. 2:10-CR-014**

v. * **SECTION: "N"**

JOSE LUIS SANCHEZ-TINAJERO *

a/k/a Jose Luis Sanchez-Martinez *

a/k/a Jose Luis Sanchez *

a/k/a Juan Carlos Sanchez *

a/k/a Jose Louis Sanchez-Martinez *

a/k/a Aurelio Sanchez-Tinajero *

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **JOSE LUIS SANCHEZ-TINAJERO** (hereinafter "**SANCHEZ-TINAJERO**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

A Customs and Border Protection (hereinafter "CBP") agent would testify that on or about

December 22, 2009, he encountered the defendant, **SANCHEZ-TINAJERO**, in Orleans Parish, in the Eastern District of Louisiana, as a passenger in vehicle stopped by CBP. After the driver of the vehicle fled, CBP agents determined that the defendant had an outstanding out-of-state warrant for his arrest, and he was turned over to the custody of the Orleans Parish Sheriff's Office pursuant to that warrant. At that time, the CBP agent lodged an immigration detainer with the Orleans Parish Prison requiring the sheriff's office to notify immigration officials regarding the defendant's imminent release from state custody.

An Immigration and Customs Enforcement (hereinafter "ICE") agent would testify that on or about December 31, 2009, he encountered the defendant, **SANCHEZ-TINAJERO**, after a referral from the Orleans Parish Sheriff's Office notifying ICE that the defendant was soon going to be released from state custody and an immigration detainer had been lodged with Orleans Parish Prison by CBP requiring the sheriff's office to notify immigration officials regarding the defendant's pending release. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by the ICE agent.

The agent would testify that he conducted record checks through various United States Department of Homeland Security databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of ICE Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **SANCHEZ-TINAJERO**, was removed from the United States to Mexico on or about June 17, 2000, at or near Brownsville, Texas. A qualified ICE Fingerprint

Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **SANCHEZ-TINAJERO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or about August 14, 1998, in the Three Hundred Thirty-Seventh District Court in Harris County, Texas, the defendant, **SANCHEZ-TINAJERO**, was convicted of a violation of robbery.

ROBERT WEIR Special Assistant United States Attorney	Date
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JOSE LUIS SANCHEZ-TINAJERO Defendant	Date
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FRANK ONYENEZI Attorney for the Defendant	Date
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